

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Tonya Deann Garcia

Docket No. 5:13-CR-156-1-F

Petition for Action on Probation

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tonya Deann Garcia, who, upon an earlier plea of guilty to Mail Fraud, in violation of 18 U.S.C. § 1341, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on January 7, 2014, to a 36-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 18 months. The defendant shall be restricted to her residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall participate in a vocational training program as may be directed by the probation office.
6. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Since being placed on probation, the defendant has been compliant with her conditions of supervision, aside from her monetary obligation to the court. A recent financial review reflects that the household expenses exceed the household income, and her arrears is not willful. Garcia has been subject to home detention since her supervision began, and she has been compliant with same. It does not appear that the defendant poses a risk of danger to the community, and the home detention condition has served its purpose as a punitive sanction. Based upon these factors, it is respectfully recommended that the home detention condition be stricken at this time, and that her restitution payments be reduced to \$25 per month.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows: That the home detention condition be stricken at this time, and that the monthly restitution payments be reduced to \$25 per month.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 27, 2014

ORDER OF COURT

Considered and ordered this 27th day of October, 2014, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge